

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:  
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## PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference CNST-3581		Date of mailing (day/month/year) <b>01 SEP 2006</b>
<b>FOR FURTHER ACTION</b> See paragraph 2 below		
International application No. PCT/US05/10556	International filing date (day/month/year) 30 March 2005 (30.03.2005)	Priority date (day/month/year) 01 April 2004 (01.04.2004)
International Patent Classification (IPC) or both national classification and IPC IPC: <b>B65D 1/02( 2006.01),23/00( 2006.01)</b> USPC: 215/381		
Applicant CONSTAR INTERNATIONAL, INC.		

1. This opinion contains indications relating to the following items:

- |                                     |              |  |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the opinion   |
| <input type="checkbox"/>            | Box No. II   | Priority   |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability   |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention   |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited  |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application   |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application  |

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Date of completion of this opinion 17 July 2006 (17.07.2006)	Authorized officer  Sue A. Weaver Telephone No. (703) 308-1148
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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US05/10556

**Box No. I Basis of this opinion**

1. With regard to the **language**, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed  
☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing  
☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper  
☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.  
☐ filed together with the international application in electronic form.  
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE  
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**Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims <u>1-25</u>	YES
	Claims <u>NONE</u>	NO
Inventive step (IS)	Claims <u>1-10, 16 and 25</u>	YES
	Claims <u>11-15 and 17-24</u>	NO
Industrial applicability (IA)	Claims <u>1-25</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Claim 20,21 and 24 lack an inventive step under PCT Article 33(3) as being obvious over Krishnakumar et al (US 5,472,105 A).

To the extent that applicants claim structure capable of having equivalent inward deflection, Krishnakumar et al teach applicants concept of a hot fill blow molded container with flex panels at 32A and B and a plurality of spaced apart ribs 50,60 between the flex panels which are capable of deformation. Note that the flex panels are recessed with recessed walls and a peripheral rim.

Claims 20-22 lack an inventive step under PCT Article 33(3) as being obvious over Melrose et al (WO 00/68095 A1).

Note the flex panels at 22 and 122 and the spaced pair of ribbed regions 24 and 124, which are considered to have equivalent deflection as shown in Figure 6. Members 32 are considered to have a non-absolute vertical orientation.

Claims 11-15, 17-19, 22 and 23 lack an inventive step under PCT Article 33(3) as being obvious over the prior art as applied in the preceding paragraphs and further in view of Slat (US 6,264,053 B1).

To have formed the ribs so that they abut each other along most of their length would have been obvious in view of such teaching by Slat at 40.

Claims 1-10, 16 and 25 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the organization where the flex panel has a rim and the ribs include ends that terminate at or merge with the rim as claimed in claims 1, 16 and 25.

Claims 1-25 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

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**Box No. VIII Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the questions whether the claims are fully supported by the description, are made:

Claims 4-6 and 11-19 are objected to as lacking clarity under PCT Rule 66.2(a)(v) because of the claims 4-6 and 11 not fully supported by the description. The description does not disclose the claimed invention in a manner sufficiently clear and complete for the claimed invention to be carried out by a person skilled in the art because: It isn't clear what constitutes a central panel hinge portion or transverse hinges as applicants do not appear to have identified such constructions in the drawings. Do applicants consider the transverse hinges to be the same feature described as ridges? If not what are they?